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REMARKS

After entry of this amendment, claims 1-43 are pending. In the present Office Action, claims 1-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Moore, U.S. Patent No. 6,594,676 ("Moore"). Applicants respectfully traverse this rejection and request reconsideration.

Claims 1-35

Applicants respectfully submit that each of claims 1-35 recites a combination of features not taught or suggested in the cited art. For example, claim 1 recites a combination of features including: "said block manager is configured to change said second inode in response to updates to said first file, and wherein said block manager is configured to atomically update said first file in response to a commit of said first file by writing said second inode to said non-volatile memory".

The standard for anticipation of a claim by a reference is that the reference must teach EACH AND EVERY FEATURE of the claim (see, e.g., MPEP 2131). Moore fails to teach numerous features in claim 1, some of which are discussed in more detail below. Accordingly, Moore fails to anticipate claim 1, and thus the anticipation rejection under 35 U.S.C. § 102(e) is unsupported and must be rescinded.

The Office Action alleges that Moore teaches the above highlighted features of claim 1 at col. 2, lines 52-60. However, these teachings are: "One method for implementing database updates and commit point processing is for the database manager to maintain the database changes in storage and not apply the changes to the databases until the commit point is reached. A copy of the database data that is changed is written to the log as the update is created. When the commit point is reached, and everything went as expected, the updates are written to the databases. If something went wrong, the storage containing the database updates is freed." These teachings generally describe accumulating database updates in a log in storage, and the writing the updates to the databases when the commit point is reached. However, these teachings fail to teach the above highlighted claim features. For example, the above teachings include no

discussion of inodes, nor of performing updates atomically. Furthermore, nothing in the above discussion would make such features inherent. For example, the update log may simply be a list of updates and locations in the database at which the updates are to be stored. Committing the updates may include reading the updates from the log and writing the update to the database. For example, see Moore col. 1, lines 36-42 where the log is a separate file from the database that comprises sequential records.

For at least these reasons, Applicants submit that Moore fails to anticipate claim 1. Claims 2-7 depend from claim 1, and thus are not anticipated by Moore for at least the above stated reasons as well. Each of claims 2-7 recite additional combinations of features not taught or suggested in the cited art. Claim 21 is rejected as anticipated by the above discussion of Moore, and includes similar features to those highlighted above with respect to claim 1. For at least the above stated reasons, Applicants submit that Moore fails to anticipate claim 21. Claims 22-27 depend from claim 21, and thus are not anticipated by Moore for at least the above stated reasons as well. Each of claims 22-27 recite additional combinations of features not taught or suggested in the cited art.

Claim 8 recites a combination of features including: "storage is configured to copy a first inode corresponding to said file to a second inode and to update pointers within said second inode corresponding to said one or more blocks to point to said copied one or more blocks, and wherein said storage is configured to atomically update said file by writing said second inode responsive to said commit command, and wherein said first inode is stored in an inode file, and wherein said inode file is identified by a master inode, and wherein said inode file is atomically updated with said second inode by writing said master inode subsequent to said commit command". The present Office Action alleges that the above features are taught in Moore at col. 1, lines 57-65.

However, these teachings are: "Database management systems include a recovery facility to respond to a database failure. Upon database failure, the recovery facility creates a new database and writes the backup copy to the new database. The recovery utility further applies all the updates to the database from when the backup copy was created. Information used to restore the new database from the last state of the backup

copy may be taken from the log data sets and recovery control information." These teachings including no discussion of inodes, atomic updates, inode files, etc. Furthermore, none of these features would be inherent in the above teachings from Moore.

Accordingly, Moore fails to anticipate claim 8. Claims 9-10 depend from claim 1, and thus are not anticipated by Moore for at least the above stated reasons as well. Each of claims 9-10 recite additional combinations of features not taught or suggested in the cited art.

Claim 11 recites a combination of features including: "modifying said second inode in response to one or more changes to said first file; and atomically updating said first file by establishing said second inode as the inode for said first file". The Office Action alleges that these feature are taught in Moore at col. 2, lines 12-29. However, these teachings are: "Typically, users organize their multiple databases into change accumulation groups so that the change accumulation utility operates as efficiently as possible. A user can run the change accumulation process against one change accumulation group and use an optional secondary output--the set of log records that were not written to the change accumulation data set--as input to the change accumulation utility for the next change accumulation group to be processed. This can be done for each change accumulation group in which the current change accumulation run uses the secondary output of the previous change accumulation run. This serial process is managed directly by the user. Users usually run change accumulation periodically so that when a database data set in a change accumulation group requires recovery, the time required to run a final change accumulation job and subsequent database recovery job is minimized. As can be expected, this sequential recovery process is quite complex." These teachings include no discussion of, e.g., inodes and atomic updates. Furthermore, these features would not be inherent in the above discussion.

Accordingly, Moore fails to anticipate claim 11. Claims 12-20 depend from claim 11, and thus are not anticipated by Moore for at least the above stated reasons as well.

Each of claims 12-20 recite additional combinations of features not taught or suggested in the cited art. Claim 28 is rejected as anticipated by the above discussion of Moore, and includes similar features to those highlighted above with respect to claim 11. For at least the above stated reasons, Applicants submit that Moore fails to anticipate claim 28. Claims 29-35 depend from claim 28, and thus are not anticipated by Moore for at least the above stated reasons as well. Each of claims 29-35 recite additional combinations of features not taught or suggested in the cited art.

Comments on Inherency Assertion

The Office Action alleges that claims 4, 9, 19, and 24 and claims 5, 10, 20, and 25 are inherent. Applicants respectfully disagree. Furthermore, Applicants note that the explanation of why these claims are allegedly inherent appears to quote Applicants own disclosure. In the case of claims 4, 9, 19, and 24, the Office Action appears to quote the specification page 8, lines 22-24. In the case of claims 5, 10, 20, and 25, the Office Action quotes the specification, page 14, lines 17-19. While it is permissible to use a secondary reference to show inherency of a feature (MPEP 2131.01(III)), that secondary reference must be prior art. It is certainly improper to use Applicants' own specification to attempt to prove inherency. Furthermore, for a feature to be inherent, the missing description must necessarily be present in the thing described in the reference (again, see MPEP 2131.01(III)). Applicants submit that the Office Action has not demonstrated that the features of claims 4-5, 9-10, 19-20, and 24-25 are necessarily present, and Applicants submit that the features are not inherent.

New Claims

Applicants respectfully submit that each of new claims 36-43 recite combinations of features not taught or suggested in the cited art. For example, claim 36 recites a combination of features including: "the block manager is configured to atomically update the first file to reflect the plurality of write commands responsive to the commit command". Claims 37-39 depend from claim 36 and recite additional combinations of features not taught or suggested in the cited art. Claim 40 recites a combination of features including: "the storage is configured to atomically update the first file to reflect

the plurality of write commands responsive to the commit command". Claims 41-43 depend from claim 40 and recite additional combinations of features not taught or suggested in the cited art.

Information Disclosure Statement (IDS)

Concurrent with mailing this response, Applicants filed an Electronic IDS listing various U.S. patents and paying the \$180 IDS fee. Included herewith is an IDS citing a non-patent document. Please incorporate the included IDS into the Electronic IDS and apply the same fee.

CONCLUSION

Applicants submit that the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-59100/LJM.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes
- ☐ Notice of Change of Address
- ☒ Please debit the above deposit account in the amount of \$316 for fees (\$172 for 2 excess independent claims and \$144 for 8 excess claims).
- ☒ Other: IDS and cited reference

Respectfully submitted,



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